

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

ABRAHAM PREQUERA,  
*Plaintiff,*

V.

RONALD JOSEPH KNEELAND and  
WAL-MART TRANSPORTATION, LLC  
*Defendants.*

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Civil Action No. 5:15-cv-532

**NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

COME NOW Defendants, Ronald Joseph Kneeland and Wal-Mart Transportation, LLC, and file their Notice of Removal and would respectfully show unto the Court as follows:

**PROCEDURAL HISTORY**

1. Plaintiff filed suit in Cause No. 2015CI06904, in the 285th Judicial District Court of Bexar County, Texas on or about April 27, 2015. Defendant Ronald Joseph Kneeland filed a timely answer on June 19, 2015. Defendant Wal-Mart Transportation, LLC filed a timely answer on June 26, 2015.

2. Defendants have filed this Notice of Removal within the time period required by 28 U.S.C. § 1446(b).

**NATURE OF THE SUIT**

3. Plaintiff alleges that he sustained damages as a result of a motor vehicle collision that occurred in Bexar County, Texas, on or about October 19, 2014.

4. At the time of the subject accident according to Plaintiff's Original Petition, Plaintiff resided in Harris County, Texas.

5. At the time of the subject accident, Defendant Ronald Joseph Kneeland was a citizen of the State of California, with a domicile at 4315 Conning Street, Riverside, California, 92509.

6. Defendant Wal-Mart Transportation, LLC is a company incorporated under the laws of the State of Delaware and whose principal office is in the State of Arkansas.

#### **BASIS FOR REMOVAL**

7. Removal is proper because there is complete diversity of citizenship between Plaintiff and Defendants. Plaintiff is an individual who at the time of the subject incident, and at the time the lawsuit was filed, was residing in Harris County, Texas. Defendant Ronald Joseph Kneeland is an individual who at the time of the subject incident, and at the time the lawsuit was filed, was a resident of Riverside County, California. Defendant Wal-Mart Transportation, LLC is a company incorporated under the laws of the State of Delaware and whose principal office is in the State of Arkansas.

8. The amount in controversy exceeds \$75,000.00, exclusive of interests, costs, and attorneys' fees.

#### **VENUE AND JURISDICTION**

9. Venue for this removal is proper in this district under 28 U.S.C. § 1441(a) because this district and division embrace the place in which the removed action has been pending.

10. This Court has jurisdiction of this action by virtue of the provisions of 28 U.S.C. §1332 in that this is a case of diversity of citizenship between the parties with the amount in controversy exceeding \$75,000.00, exclusive of interest and costs.

**DEFENDANT'S NOTICE OF REMOVAL  
IS PROCEDURALLY CORRECT**

11. Defendants have attached to this notice all process, pleadings and orders filed in the state court action as required by 28 U.S.C. §1446(a). (See Exhibit A, Index of Matters Being Filed)

**JURY DEMAND**

12. Defendants made a demand for a jury trial in State District Court.

**NOTICE TO STATE COURT**

13. Defendants will promptly file a copy of this Notice of Removal with the Clerk of the State Court in which this action is pending.

Respectfully submitted,

**CASTAGNA SCOTT LLP**  
1120 S. Capital of Texas Highway  
Bldg. 2, Suite 270  
Austin, Texas 78746  
512/329-3290  
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By: /s/ Lynn S. Castagna  
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**ATTORNEY FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing and has been sent via facsimile to the following:

**VIA FACSIMILE: 713/223-7331**

Paul Higdon  
HIGDON LAWYERS  
601 Sawyer, Suite 210  
Houston, Texas 77007

in accordance with the Federal Rules of Civil Procedure, on this 29th day of June, 2015.

/s/ Lynn S. Castagna  
Lynn S. Castagna